

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JACOB ANGELO MASSEY,
Plaintiff,
v.
CHARLES DANIELS, et al.,
Defendant.

Case No.: 2:24-cv-01818-APG-BNW

ORDER
(ECF No. 1)

On September 27, 2024, pro se plaintiff Jacob Angelo Massey, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1). The Court denies Plaintiff’s application to proceed *in forma pauperis* because he used the wrong form. Plaintiff used a form for inmates housed at Northern Nevada Correctional Center (“NNCC”). (ECF No. 1 at 1).

NNCC is part of a pilot project that is using a form for inmates to apply to proceed *in forma pauperis*. However, Plaintiff is currently housed at Southern Desert Correctional Center. Therefore, Plaintiff must file the standard form to apply to proceed *in forma pauperis*, which is used in all other NDOC facilities, and he must include a financial certificate and a six-month account statement. The Court will give Plaintiff the opportunity to file the correct forms **by December 17, 2024**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed

1 **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the
 2 Court's approved form, that is properly signed by the inmate twice on page 3; (2) a
 3 completed **Financial Certificate**, which is page 4 of the Court's approved form, that is
 4 properly signed by both the inmate and a prison or jail official; and (3) a copy of the
 5 **inmate's prison or jail trust fund account statement for the previous six-month**
 6 **period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
 7 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
 8 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

9 As explained above, Plaintiff filed the wrong application to proceed *in forma*
 10 *pauperis*. The Court will therefore deny Plaintiff's application to proceed *in forma pauperis*
 11 without prejudice and grant Plaintiff an extension of time to either pay the filing fee or file
 12 a new fully complete application to proceed *in forma pauperis* with all three required
 13 documents.

14 **II. CONCLUSION**

15 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
 16 is denied without prejudice.

17 It is further ordered that Plaintiff has **until December 17, 2024**, to either pay the
 18 full \$405 filing fee or file a new fully complete application to proceed *in forma pauperis*
 19 with all three required documents: (1) a completed application with the inmate's two
 20 signatures on page 3, (2) a completed financial certificate that is signed both by the
 21 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account
 22 statement for the previous six-month period.

23 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
 24 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
 25 to refile the case with the Court, under a new case number, when Plaintiff can file a
 26 complete application to proceed *in forma pauperis* or pay the required filing fee.

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1 The Clerk of the Court is directed to send Plaintiff Jacob Angelo Massey the
2 approved form application to proceed *in forma pauperis* for an inmate and instructions for
3 the same and retain the complaint (ECF No. 1-1) but not file it at this time.

4 DATED THIS 18 day of October 2024.

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8 UNITED STATES MAGISTRATE JUDGE
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